

**ASSEMBLY BILL**

**No. 2452**

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**Introduced by Assembly Member Quirk**

February 19, 2016

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An act to add Section 21168.15 to the Public Resources Code, relating to environmental quality.

LEGISLATIVE COUNSEL'S DIGEST

AB 2452, as introduced, Quirk. California Environmental Quality Act: judicial remedies: emissions of greenhouse gases.

The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of, an environmental impact report on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. CEQA also requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment. CEQA authorizes a court, in an action or proceeding brought challenging the decision of a public agency on the ground of noncompliance with CEQA, to enter an order to suspend any specific project activity if the court finds that the activity will prejudice the consideration and implementation of particular mitigation measures or alternatives to the project.

This bill would, in an action or proceeding under CEQA, prohibit a court from staying or enjoining transportation infrastructure projects,

as defined, based solely on the project's potential contribution to the emissions of greenhouse gases.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 21168.15 is added to the Public Resources
- 2 Code, to read:
- 3 21168.15. (a) For purposes of this section, "transportation
- 4 infrastructure project" means a project consisting of a new
- 5 construction of transportation infrastructure, or the relocation,
- 6 replacement, or removal of existing transportation infrastructure,
- 7 that is included in a sustainable communities strategy or an
- 8 alternative planning strategy approved by a metropolitan planning
- 9 organization pursuant to Section 65080 of the Government Code
- 10 for which a program environmental impact report has been
- 11 certified.
- 12 (b) In an action or proceeding brought pursuant to this division,
- 13 a court shall not stay or enjoin the construction or operation of a
- 14 transportation infrastructure project based solely on the project's
- 15 potential contribution to the emissions of greenhouse gases.